United Nations A/C.2/70/3

General Assembly

Distr.: General
12 October 2015

Original: English

Seventieth session
Second Committee
Agenda item 18 (a)
Macroeconomic policy questions: international trade and development

Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

Note by the Secretariat

1. The General Assembly, in its resolution 35/63 of 5 December 1980, adopted the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, requested the Trade and Development Board to establish an intergovernmental group of experts on restrictive business practices within the United Nations Conference on Trade and Development (UNCTAD) and decided to convene a United Nations conference to review all aspects of the Set in 1985. Since then, that conference has been convened every five years.

2. The General Assembly, in its resolution 65/142 of 20 December 2010, took note of the final report of the Sixth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, including the resolution adopted by the Conference (TD/RBP/CONF.7/11). In that resolution, the Conference invited UNCTAD to convene ad hoc expert group meetings on the interface between competition policy and consumer welfare. In those meetings, participants called for the revision of the United Nations guidelines for consumer protection, as adopted by the General Assembly in its resolution 39/248 of 9 April 1985 and later expanded to include sustainable consumption by the General Assembly in its decision 54/449 of 22 December 1999, on the recommendation of the Economic and Social Council through its resolution 1999/7 of 26 July 1999.

3. The positive consultations that ensued among Member States led to an agreed text that was submitted to the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, which was held in Geneva from 6 to 10 July 2015. The Conference adopted by consensus a resolution in which it invited the General Assembly, at its seventieth session in 2015, to consider the adoption of

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the draft resolution on consumer protection and the revised United Nations guidelines for consumer protection annexed thereto (see TD/RBP/CONF.8/11 and TD/RBP/CONF.8/11/Add.1/Rev.1), which are annexed to the present document. The Conference also requested the Trade and Development Board of UNCTAD to take note of the draft resolution on consumer protection and the revised United Nations Guidelines for Consumer Protection. The Trade and Development Board, at the 1135th plenary meeting of its sixty-second session, on 18 September 2015, took note of the draft resolution on consumer protection for consideration by the Assembly and the revised United Nations guidelines for consumer protection (see TD/RBP/CONF.8/11/Add.1/Rev.1).

Annex

Draft resolution recommended by the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices for consideration by the General Assembly

Consumer protection

The General Assembly,

Recalling Economic and Social Council resolution 1981/62 of 23 July 1981, in which the Council requested the Secretary-General to continue consultations on consumer protection with a view to elaborating a set of general guidelines for consumer protection, taking particular account of the needs of the developing countries,

Recalling also General Assembly resolution 38/147 of 19 December 1983 on consumer protection,

Noting Economic and Social Council resolutions 1984/63 of 26 July 1984 and 1999/7 of 26 July 1999 and General Assembly resolution 39/248 of 9 April 1985,

Recalling General Assembly resolution 65/142 of 20 December 2010 on international trade and development,

Taking note of the mandate entrusted to the United Nations Conference on Trade and Development at its thirteenth session, held in Doha from 21 to 26 April 2012, to conduct analysis and research and help all Member States, in particular developing countries and countries with economies in transition, to formulate and implement competition and consumer protection policies, promote the sharing of best practices, and carry out peer reviews with regard to the implementation of such policies,[1]

Recalling the objectives formulated in the United Nations Millennium Declaration, notably the Millennium Development Goals, the reaffirmation these received in the 2005 World Summit Outcome and the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals in 2010, in particular in the pursuit of development and the eradication of poverty, and their upcoming revision into the Sustainable Development Goals,

Noting that this year marks the thirtieth anniversary of the adoption of the United Nations guidelines for consumer protection as a thematic issue and acknowledging the enduring need for Member States to further strengthen the protection of consumers, the General Assembly remains committed to addressing the impact of development on markets and technology on consumers,

Acknowledging that although significant progress has been achieved, with respect to the protection of consumers, at the normative level since the adoption of the guidelines in 1985, that progress has not been consistently translated into more

[1] See the addendum to the report of the United Nations Conference on Trade and Development on its thirteenth session (TD/500/Add.1).

effective and better-coordinated protection efforts in all countries and across all areas of commerce,

Reaffirming the guidelines as a valuable set of principles for setting out the main characteristics of effective consumer protection legislation, enforcement institutions and redress systems, and for assisting interested Member States in formulating and enforcing domestic and regional laws, rules and regulations that are suitable to their own economic and social and environmental circumstances, as well as promoting international enforcement cooperation among Member States and encouraging the sharing of experiences in protecting consumers,

Recognizing that, despite the diversity of mechanisms and legal cultures that exist across Member States, consensus exists on the need for common principles that establish the main characteristics of effective consumer protection legislation, enforcement institutions and redress systems,

Believing that a robust legal and regulatory framework for consumer protection, including effective dispute resolution and redress mechanisms and the ability of consumer protection enforcement authorities to cooperate in obtaining redress, where available, across borders for consumers harmed by fraudulent and deceptive commercial practices, serves an important public interest: contributing to economic dynamism and consumer welfare,

Recognizing that Member States have a common interest in promoting and protecting consumer privacy and the global free flow of information,

Considering that electronic commerce, which should be understood to include mobile commerce, has become increasingly relevant to consumers worldwide and that the opportunities it offers should be harnessed to help facilitate economic development and growth based on emerging network technologies with computers, mobile phones, and connected devices that promote consumer welfare,

Considering that Member States, businesses, consumers and their representatives should devote special attention to the development of effective consumer protection in electronic commerce and that certain consumer protection issues, such as applicable law and jurisdiction, may be addressed most effectively through international consultation and cooperation,

Recognizing that consumer confidence and trust in a well-functioning market for financial services promotes financial stability, growth, efficiency and innovation over the long term and that the recent financial crisis places a renewed focus on consumer protection calling for effective regulatory, supervisory and enforcement frameworks in the financial sector to contribute to the welfare of consumers,

Recognizing the importance of combating substandard, falsely labelled, and counterfeit products that pose threats to the health and safety of consumers and to the environment, and also decrease consumer confidence in the marketplace,

Recognizing the value of coordination and partnership with established multilateral organizations that focus on consumer protection in order to maximize the benefits to consumers and avoid duplicating efforts,

Recalling the proposal of the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

1. *Decides* to adopt the revised United Nations guidelines for consumer protection annexed to the present resolution, of which they form an integral part;

2. *Requests* the Secretary-General to disseminate the guidelines to Member States and other interested parties;

3. *Requests* all organizations of the United Nations system that elaborate guidelines and related documents on specific areas relevant to consumer protection to distribute them to the appropriate bodies of individual States;

4. *Recommends* that Member States implement the present resolution and the guidelines as set out in the annex;

5. *Requests* the secretariat of the United Nations Conference on Trade and Development to exchange information on progress and experiences regarding the implementation of the present resolution, review that information and report to the General Assembly on this subject on the occasion of the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

6. *Requests* the United Nations Conference on Trade and Development to promote the guidelines and to encourage interested Member States to create awareness of the many ways in which Member States, businesses and civil society can promote consumer protection in the provision of public and private goods and services;

7. *Decides* to establish an intergovernmental group of experts on consumer protection law and policy within the framework of an existing commission of the Trade and Development Board of the United Nations Conference on Trade and Development, which will operate until the Ninth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, at which its work will be reviewed and the renewal of its mandate considered;

8. *Decides* that the necessary resources should be made available within the United Nations Conference on Trade and Development to carry out the tasks embodied in the revised guidelines through the reallocation of existing resources and/or the use of extrabudgetary resources from voluntary contributions;

9. *Requests* the Secretary-General to continue to promote effective implementation of the guidelines by Member States, businesses and civil society.

Annex

Guidelines for consumer protection

I. Objectives

1. Taking into account the interests and needs of consumers in all Member States, particularly in developing ones; recognizing that consumers often face imbalances in economic terms, educational levels and bargaining power and bearing in mind that consumers should have the right of access to non-hazardous products, as well as the right to promote just, equitable and sustainable economic and social development and environmental protection, these guidelines for consumer protection have the following objectives:

(a) To assist countries in achieving or maintaining adequate protection for their population as consumers;

(b) To facilitate production and distribution patterns responsive to the needs and desires of consumers;

(c) To encourage high levels of ethical conduct for those engaged in the production and distribution of goods and services to consumers;

(d) To assist countries in curbing abusive business practices by all enterprises at the national and international levels which adversely affect consumers;

(e) To facilitate the development of independent consumer groups;

(f) To further international cooperation in the field of consumer protection;

(g) To encourage the development of market conditions which provide consumers with greater choice at lower prices;

(h) To promote sustainable consumption.

II. Scope of application

2. These guidelines apply to business-to-consumer transactions, including the provision of goods and services by State-owned enterprises to consumers. For the purpose of these guidelines, consumer protection policies include the laws, regulations, rules, frameworks, procedures, decisions, mechanisms, and programmes of Member States, as well as private sector standards and recommendations that protect consumer rights and interests and promote consumer welfare.

3. For the purpose of these guidelines, the term "consumer" generally refers to a natural person, regardless of nationality, acting primarily for personal, family or household purposes, while recognizing that Member States may adopt differing definitions to address specific domestic needs.

III. General principles

4. Member States should develop, strengthen or maintain a strong consumer protection policy, taking into account the guidelines set out below and relevant international agreements. In so doing, each Member State must set its own priorities for the protection of consumers in accordance with the economic, social and environmental circumstances of the country and the needs of its population, and bearing in mind the costs and benefits of proposed measures.

5. The legitimate needs which the guidelines are intended to meet are the following:

(a) Access by consumers to essential goods and services;

(b) The protection of vulnerable and disadvantaged consumers;

(c) The protection of consumers from hazards to their health and safety;

(d) The promotion and protection of the economic interests of consumers;

(e) Access by consumers to adequate information to enable them to make informed choices according to individual wishes and needs;

(f) Consumer education, including education on the environmental, social and economic consequences of consumer choice;

(g) Availability of effective consumer dispute resolution and redress;

(h) Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them;

(i) The promotion of sustainable consumption patterns;

(j) A level of protection for consumers using electronic commerce that is not less than that afforded in other forms of commerce;

(k) The protection of consumer privacy and the global free flow of information.

6. Unsustainable patterns of production and consumption, particularly in industrialized countries, are the major cause of the continued deterioration of the global environment. All Member States should strive to promote sustainable consumption patterns; developed countries should take the lead in achieving sustainable consumption patterns; developing countries should seek to achieve sustainable consumption patterns in their development process, having due regard to the principle of common but differentiated responsibilities. The special situation and needs of developing countries in this regard should be fully taken into account.

7. Policies for promoting sustainable consumption should take into account the goals of eradicating poverty, satisfying the basic human needs of all members of society, and reducing inequality within and between countries.

8. Member States should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection policies. Special care should be taken to ensure that measures for consumer protection are implemented for the benefit of all sectors of the population, particularly the rural population and people living in poverty.

9. All enterprises should obey the relevant laws and regulations of the countries in which they do business. They should also conform to the appropriate provisions of international standards for consumer protection to which the competent authorities of the country in question have agreed. (Hereinafter references to international standards in the guidelines should be viewed in the context of this paragraph.)

10. The potential positive role of universities and public and private enterprises in research should be considered when developing consumer protection policies.

IV. Principles for good business practices

11. The principles that establish benchmarks for good business practices for conducting online and off-line commercial activities with consumers are as follows:

(a) **Fair and equitable treatment.** Businesses should deal fairly and honestly with consumers at all stages of their relationship, so that it is an integral part of the business culture. Businesses should avoid practices that harm consumers, particularly with respect to vulnerable and disadvantaged consumers;

(b) **Commercial behaviour.** Businesses should not subject consumers to illegal, unethical, discriminatory or deceptive practices, such as abusive marketing tactics, abusive debt collection, or other improper behaviour that may pose unnecessary risks or harm consumers. Businesses and their authorized agents should have due regard for the interests of consumers and responsibility for upholding consumer protection as an objective;

(c) **Disclosure and transparency.** Businesses should provide complete, accurate and not misleading information regarding the goods and services, terms, conditions, applicable fees and final costs to enable consumers to take informed decisions. Businesses should ensure easy access to this information, especially to the key terms and conditions, regardless of the means of technology used;

(d) **Education and awareness-raising.** Businesses should, as appropriate, develop programmes and mechanisms to assist consumers to develop the knowledge and skills necessary to understand risks, including financial risks, to take informed decisions and to access competent and professional advice and assistance, preferably from an independent third party, when needed;

(e) **Protection of privacy.** Businesses should protect consumers' privacy through a combination of appropriate control, security, transparency and consent mechanisms relating to the collection and use of their personal data;

(f) **Consumer complaints and disputes.** Businesses should make available complaints-handling mechanisms that provide consumers with expeditious, fair, transparent, inexpensive, accessible, speedy and effective dispute resolution without unnecessary cost or burden. Businesses should consider subscribing to domestic and international standards, pertaining to internal complaints handling, alternative dispute resolution services and customer satisfaction codes.

V. Guidelines

12. The following guidelines should apply both to home-produced goods and services and to imports.

13. In applying any procedures or regulations for consumer protection, due regard should be given to ensuring that they do not become barriers to international trade and that they are consistent with international trade obligations.

A. National policies for consumer protection

14. Member States should establish consumer protection policies that encourage:

(a) Good business practices;

(b) Clear and timely information to enable consumers to contact businesses easily, and to enable regulatory and law enforcement authorities to identify and locate them. This may include information such as the identity of the business, its legal name and the name under which it trades, its principal geographic address, website and e-mail address or other means of contact, its telephone number and its government registration or licence numbers;

(c) Clear and timely information regarding the goods or services offered by businesses and the terms and conditions of the relevant transaction;

(d) Clear, concise and easy to understand contract terms that are not unfair;

(e) A transparent process for the confirmation, cancellation, return and refund of transactions;

(f) Secure payment mechanisms;

(g) Fair, affordable and speedy dispute resolution and redress;

(h) Consumer privacy and data security;

(i) Consumer and business education.

15. Member States should work towards ensuring that consumer protection enforcement agencies have the necessary human and financial resources to promote effective compliance and to obtain or facilitate redress for consumers in appropriate cases.

B. Physical safety

16. Member States should adopt or encourage the adoption of appropriate measures, including legal systems, safety regulations, national or international standards, voluntary standards and the maintenance of safety records to ensure that products are safe for either intended or normally foreseeable use.

17. Appropriate policies should ensure that goods produced by manufacturers are safe for either intended or normally foreseeable use. Those responsible for bringing goods to the market, in particular suppliers, exporters, importers, retailers and the like (hereinafter referred to as "distributors"), should ensure that while in their care these goods are not rendered unsafe through improper handling or storage and that

while in their care they do not become hazardous through improper handling or storage. Consumers should be instructed in the proper use of goods and should be informed of the risks involved in intended or normally foreseeable use. Vital safety information should be conveyed to consumers by internationally understandable symbols wherever possible.

18. Appropriate policies should ensure that if manufacturers or distributors become aware of unforeseen hazards after products are placed on the market, they should notify the relevant authorities and, as appropriate, the public without delay. Member States should also consider ways of ensuring that consumers are properly informed of such hazards.

19. Member States should, where appropriate, adopt policies under which, if a product is found to be seriously defective and/or to constitute a substantial and severe hazard even when properly used, manufacturers and/or distributors should recall it and replace or modify it, or substitute another product for it. If it is not possible to do this within a reasonable period of time, the consumer should be adequately compensated.

C. Promotion and protection of the economic interests of consumers

20. Member States should seek to enable consumers to obtain optimum benefit from their economic resources. They should also seek to achieve the goals of satisfactory production and performance standards, adequate distribution methods, fair business practices, informative marketing and effective protection against practices which could adversely affect the economic interests of consumers and the exercise of choice in the marketplace.

21. Member States should intensify their efforts to prevent practices which are damaging to the economic interests of consumers through ensuring that manufacturers, distributors and others involved in the provision of goods and services adhere to established laws and mandatory standards. Consumer organizations should be encouraged to monitor adverse practices, such as the adulteration of foods, false or misleading claims in marketing and service frauds.

22. Member States should develop, strengthen or maintain, as the case may be, measures relating to the control of restrictive and other abusive business practices which may be harmful to consumers, including means for the enforcement of such measures. In this connection, Member States should be guided by their commitment to the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted by the General Assembly in resolution 35/63 of 5 December 1980.

23. Member States should adopt or maintain policies that make clear the responsibility of the producer to ensure that goods meet reasonable demands of durability, utility and reliability, and are suited to the purpose for which they are intended, and that the seller should see that these requirements are met. Similar policies should apply to the provision of services.

24. Member States should encourage fair and effective competition in order to provide consumers with the greatest range of choice among products and services at the lowest cost. Member States should ensure that their consumer protection policies are not used to protect domestic businesses from competition or applied unfairly.

25. Member States should, where appropriate, see to it that manufacturers and/or retailers ensure adequate availability of reliable after-sales service and spare parts.

26. Consumers should be protected from such contractual abuses as one-sided standard contracts, exclusion of essential rights in contracts and unconscionable conditions of credit by sellers.

27. Promotional marketing and sales practices should be guided by the principle of fair treatment of consumers and should meet legal requirements. This requires the provision of the information necessary to enable consumers to take informed and independent decisions, as well as measures to ensure that the information provided is accurate.

28. Member States should encourage all concerned to participate in the free flow of accurate information on all aspects of consumer products.

29. Consumer access to accurate information about the environmental impact of products and services should be encouraged through such means as product profiles, environmental reports by industry, information centres for consumers, voluntary and transparent eco-labelling programmes and product information hotlines.

30. Member States, in close collaboration with manufacturers, distributors and consumer organizations, should take measures regarding misleading environmental claims or information in advertising and other marketing activities. The development of appropriate advertising codes and standards for the regulation and verification of environmental claims should be encouraged.

31. Member States should, within their own national context, encourage the formulation and implementation by businesses, in cooperation with consumer organizations, of codes of marketing and other business practices to ensure adequate consumer protection. Voluntary agreements may also be established jointly by business, consumer organizations and other interested parties. These codes should receive adequate publicity.

32. Member States should regularly review legislation pertaining to weights and measures and assess the adequacy of the machinery for its enforcement.

D. Standards for the safety and quality of consumer goods and services

33. Member States should, as appropriate, formulate or promote the elaboration and implementation of standards, voluntary and other, at the national and international levels for the safety and quality of goods and services and give them appropriate publicity. National standards and regulations for product safety and quality should be reviewed from time to time, in order to ensure that they conform, where possible, to generally accepted international standards.

34. Where a standard lower than the generally accepted international standard is being applied because of local economic conditions, every effort should be made to raise that standard as soon as possible.

35. Member States should encourage and ensure the availability of facilities to test and certify the safety, quality and performance of essential consumer goods and services.

E. Distribution facilities for essential consumer goods and services

36. Member States should, where appropriate, consider:

(a) Adopting or maintaining policies to ensure the efficient distribution of goods and services to consumers; where appropriate, specific policies should be considered to ensure the distribution of essential goods and services where this distribution is endangered, as could be the case particularly in rural areas. Such policies could include assistance for the creation of adequate storage and retail facilities in rural centres, incentives for consumer self-help and better control of the conditions under which essential goods and services are provided in rural areas;

(b) Encouraging the establishment of consumer cooperatives and related trading activities, as well as providing information about them, especially in rural areas.

F. Dispute resolution and redress

37. Member States should encourage the development of fair, effective, transparent and impartial mechanisms to address consumer complaints through administrative, judicial and alternative dispute resolution, including for cross-border cases. Member States should establish or maintain legal and/or administrative measures to enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, transparent, inexpensive and accessible. Such procedures should take particular account of the needs of vulnerable and disadvantaged consumers. Member States should provide consumers with access to remedies that do not impose a cost, delay, or undue burden on the economic value at stake and at the same time do not impose excessive or undue burdens on society and businesses.

38. Member States should encourage all businesses to resolve consumer disputes in an expeditious, fair, transparent, inexpensive, accessible and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaints procedures, which can provide assistance to consumers.

39. Information on available redress and other dispute-resolving procedures should be made available to consumers. Access to dispute resolution and redress mechanisms, including alternative dispute resolution, should be enhanced, particularly in cross-border disputes.

40. Member States should ensure that collective resolution procedures are expeditious, transparent, fair, inexpensive and accessible to both consumers and businesses, including those pertaining to over-indebtedness and bankruptcy cases.

41. Member States should cooperate with businesses and consumer groups in furthering consumer and business understanding of how to avoid disputes, of dispute resolution and redress mechanisms available to consumers, and of where consumers can file complaints.

G. Education and information programmes

42. Member States should develop or encourage the development of general consumer education and information programmes, including information on the environmental impacts of consumer choices and behaviour and the possible implications, including benefits and costs, of changes in consumption, bearing in mind the cultural traditions of the people concerned. The aim of such programmes should be to enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities. In developing such programmes, special attention should be given to the needs of vulnerable and disadvantaged consumers, in both rural and urban areas, including low-income consumers and those with low or non-existent literacy levels. Consumer groups, business and other relevant organizations of civil society should be involved in these educational efforts.

43. Consumer education should, where appropriate, become an integral part of the basic curriculum of the educational system, preferably as a component of existing subjects.

44. Consumer education and information programmes should cover such important aspects of consumer protection as the following:

(a) Health, nutrition, prevention of food-borne diseases and food adulteration;

(b) Product hazards;

(c) Product labelling;

(d) Relevant legislation, how to access dispute resolution mechanisms and obtain redress, and agencies and organizations for consumer protection;

(e) Information on weights and measures, prices, quality, credit conditions and availability of basic necessities;

(f) Environmental protection;

(g) Electronic commerce;

(h) Financial services;

(i) Efficient use of materials, energy and water.

45. Member States should encourage consumer organizations and other interested groups, including the media, to undertake education and information programmes, including on the environmental impacts of consumption patterns and on the possible implications, including benefits and costs, of changes in consumption, particularly for the benefit of low-income consumer groups in rural and urban areas.

46. Business should, where appropriate, undertake or participate in factual and relevant consumer education and information programmes.

47. Bearing in mind the need to reach rural consumers and illiterate consumers, Member States should, as appropriate, develop or encourage the development of consumer information programmes in the mass media, or through other delivery channels that reach such consumers.

48. Member States should organize or encourage training programmes for educators, mass media professionals and consumer advisers, to enable them to participate in carrying out consumer information and education programmes.

H. Promotion of sustainable consumption

49. Sustainable consumption includes meeting the needs of present and future generations for goods and services in ways that are economically, socially and environmentally sustainable.

50. Responsibility for sustainable consumption is shared by all members and organizations of society, with informed consumers, Member States, business, labour organizations, and consumer and environmental organizations playing particularly important roles. Informed consumers have an essential role in promoting consumption that is environmentally, economically and socially sustainable, including through the effects of their choices on producers. Member States should promote the development and implementation of policies for sustainable consumption and the integration of those policies with other public policies. Policy-making by Member States should be conducted in consultation with business, consumer and environmental organizations and other concerned groups. Business has a responsibility for promoting sustainable consumption through the design, production and distribution of goods and services. Consumer and environmental organizations have a responsibility for promoting public participation and debate on sustainable consumption, for informing consumers, and for working with Member States and business towards sustainable consumption.

51. Member States, in partnership with business and relevant organizations of civil society, should develop and implement strategies that promote sustainable consumption through a mix of policies that could include regulations; economic and social instruments; sectoral policies in such areas as land use, transport, energy and housing; information programmes to raise awareness of the impact of consumption patterns; removal of subsidies that promote unsustainable patterns of consumption and production; and promotion of sector-specific best practices in environmental management.

52. Member States should encourage the design, development and use of products and services that are safe and energy- and resource-efficient, considering their full lifecycle impacts. Member States should encourage recycling programmes that encourage consumers to both recycle wastes and purchase recycled products.

53. Member States should promote the development and use of national and international environmental health and safety standards for products and services; such standards should not result in disguised barriers to trade.

54. Member States should encourage impartial environmental testing of products.

55. Member States should safely manage environmentally harmful uses of substances and encourage the development of environmentally sound alternatives for such uses. New potentially hazardous substances should be evaluated on a scientific basis for their long-term environmental impact prior to distribution.

56. Member States should promote awareness of the health-related benefits of sustainable consumption and production patterns, bearing in mind both direct effects on individual health and collective effects through environmental protection.

57. Member States, in partnership with the private sector and other relevant organizations, should encourage the transformation of unsustainable consumption patterns through the development and use of new environmentally sound products and services and new technologies, including information and communication technologies that can meet consumer needs while reducing pollution and depletion of natural resources.

58. Member States are encouraged to create or strengthen effective regulatory mechanisms for the protection of consumers, including aspects of sustainable consumption.

59. Member States should consider a range of economic instruments, such as fiscal instruments and internalization of environmental costs, to promote sustainable consumption, taking into account social needs, the need for disincentives for unsustainable practices and incentives for more sustainable practices, while avoiding potential negative effects for market access, in particular for developing countries.

60. Member States, in cooperation with business and other relevant groups, should develop indicators, methodologies and databases for measuring progress towards sustainable consumption at all levels. That information should be publicly available.

61. Member States and international agencies should take the lead in introducing sustainable practices in their own operations, in particular through their procurement policies. Member State procurement, as appropriate, should encourage the development and use of environmentally sound products and services.

62. Member States and other relevant organizations should promote research on consumer behaviour related to environmental damage, in order to identify ways to make consumption patterns more sustainable.

I. Electronic commerce

63. Member States should work towards enhancing consumer confidence in electronic commerce by the continued development of transparent and effective consumer protection policies, ensuring a level of protection that is not less than that afforded in other forms of commerce.

64. Member States should, where appropriate, review existing consumer protection policies, to accommodate the special features of electronic commerce and ensure that consumers and businesses are informed and aware of their rights and obligations in the digital marketplace.

65. Member States may wish to consider the relevant international guidelines and standards on electronic commerce and the revisions thereof, and, where appropriate, adapt those guidelines and standards to their economic, social and environmental circumstances so they can adhere to them, as well as collaborate with other Member States in their implementation across borders. In so doing, Member States may wish to study the Guidelines for Consumer Protection in the Context of Electronic Commerce of the Organization for Economic Cooperation and Development.

J. Financial services

66. Member States should establish or encourage, as appropriate:

(a) Financial consumer protection regulatory and enforcement policies;

(b) Oversight bodies with the necessary authority and resources to carry out their mission;

(c) Appropriate controls and insurance mechanisms to protect consumer assets, including deposits;

(d) Improved financial education strategies that promote financial literacy;

(e) Fair treatment and proper disclosure, ensuring that financial institutions are also responsible and accountable for the actions of their authorized agents. Financial services providers should have a written policy on conflict of interest to help detect potential conflicts of interest. When the possibility of a conflict of interest arises between the provider and a third party, that should be disclosed to the consumer to ensure that potential consumer detriment generated by conflict of interest be avoided;

(f) Responsible business conduct by financial services providers and authorized agents, including responsible lending and the sale of products that are suitable to the consumer's needs and means;

(g) Appropriate controls to protect consumer financial data, including from fraud and abuse;

(h) A regulatory framework that promotes cost efficiency and transparency for remittances, such that consumers are provided with clear information on the price and delivery of the funds to be transferred, exchange rates, all fees and any other costs associated with the money transfers offered, as well as remedies if transfers fail.

67. Member States should adopt measures to reinforce and integrate consumer policies concerning financial inclusion, financial education and the protection of consumers in accessing and using financial services.

68. Member States may wish to consider relevant international guidelines and standards on financial services and the revisions thereof, and, where appropriate, adapt those guidelines and standards to their economic, social and environmental circumstances so they can adhere to them, as well as collaborate with other Member States in their implementation across borders. In so doing, Member States may wish to study the High-level Principles on Financial Consumer Protection of the Organization for Economic Cooperation and Development and the Group of 20, as well as the Principles for Innovative Financial Inclusion of the Group of 20 and the Good Practices for Financial Consumer Protection of the World Bank.

K. Measures relating to specific areas

69. In advancing consumer interests, particularly in developing countries, Member States should, where appropriate, give priority to areas of essential concern for the health of the consumer, such as food, water, pharmaceuticals, energy and public utilities, and also address the specificities of tourism. Policies should be adopted or

maintained for product quality control, adequate and secure distribution facilities, standardized international labelling and information, and education and research programmes in these areas. Member State guidelines in regard to specific areas should be developed in the context of the provisions of the present document.

70. **Food**. When formulating national policies and plans with regard to food, Member States should take into account the need of all consumers for food security and should support and, as far as possible, adopt standards from the Food and Agriculture Organization of the United Nations and the World Health Organization Codex Alimentarius or, in their absence, other generally accepted international food standards. Member States should maintain, develop or improve food safety measures, including, inter alia, safety criteria, food standards and dietary requirements and effective monitoring, inspection and evaluation mechanisms.

71. Member States should promote sustainable agricultural policies and practices, conservation of biodiversity and protection of soil and water, taking into account traditional knowledge.

72. **Water**. Member States should, within the goals and targets set for the International Drinking Water Supply and Sanitation Decade, formulate, maintain or strengthen national policies to improve the supply, distribution and quality of water for drinking. Due regard should be paid to the choice of appropriate levels of service, quality and technology, the need for education programmes and the importance of community participation.

73. Member States should assign high priority to the formulation and implementation of policies and programmes concerning the multiple uses of water, taking into account the importance of water for sustainable development in general and its finite character as a resource.

74. **Pharmaceuticals**. Member States should develop or maintain adequate standards, provisions and appropriate regulatory systems for ensuring the quality and appropriate use of pharmaceuticals through integrated national drug policies which could address, inter alia, procurement, distribution, production, licensing arrangements, registration systems and the availability of reliable information on pharmaceuticals. In so doing, Member States should take special account of the work and recommendations of the World Health Organization on pharmaceuticals. For relevant products, the use of that organization's Certification Scheme on the Quality of Pharmaceutical Products Moving in International Commerce and other international information systems on pharmaceuticals should be encouraged. Measures should also be taken, as appropriate, to promote the use of international non-proprietary names for drugs, drawing on the work done by the World Health Organization.

75. In addition to the priority areas indicated above, Member States should adopt appropriate measures in other areas, such as pesticides and chemicals in regard, where relevant, to their use, production and storage, taking into account such relevant health and environmental information as Member States may require producers to provide and include in the labelling of products.

76. **Energy**. Member States should promote universal access to clean energy and formulate, maintain or strengthen national policies to improve the supply, distribution and quality of affordable energy to consumers according to their economic circumstances. Consideration should be given to the choice of appropriate

levels of service, quality and technology, regulatory oversight, the need for awareness-raising programmes and the importance of community participation.

77. **Public utilities**. Member States should promote universal access to public utilities and formulate, maintain or strengthen national policies to improve rules and statutes dealing with provision of service, consumer information, security deposits and advance payment for service, late payment fees, termination and restoration of service, establishment of payment plans and dispute resolution between consumers and utility service providers, taking into account the needs of vulnerable and disadvantaged consumers.

78. **Tourism**. Member States should ensure that their consumer protection policies are adequate to address the marketing and provision of goods and services related to tourism, including, but not limited to, travel, traveller accommodation and timeshares. Member States should, in particular, address the cross-border challenges raised by such activity, including enforcement cooperation and information-sharing with other Member States, and should also cooperate with the relevant stakeholders in the tourism-travel sector.

VI. International cooperation

79. Member States should, especially in a regional or subregional context:

(a) Develop, review, maintain or strengthen, as appropriate, mechanisms for the exchange of information on national policies and measures in the field of consumer protection;

(b) Cooperate or encourage cooperation in the implementation of consumer protection policies to achieve greater results within existing resources. Examples of such cooperation could be collaboration in the setting up or joint use of testing facilities, common testing procedures, exchange of consumer information and education programmes, joint training programmes and joint elaboration of regulations;

(c) Cooperate to improve the conditions under which essential goods are offered to consumers, giving due regard to both price and quality. Such cooperation could include joint procurement of essential goods, exchange of information on different procurement possibilities and agreements on regional product specification.

80. Member States should develop or strengthen information links regarding products which have been banned, withdrawn or severely restricted in order to enable other importing countries to protect themselves adequately against the harmful effects of such products.

81. Member States should work to ensure that the quality of products and the information relating to such products does not vary from country to country in a way that would have detrimental effects on consumers.

82. Member States should improve their ability to cooperate in combating fraudulent and deceptive cross-border commercial practices, as that serves an important public interest, recognizing that cooperation on particular investigations or cases under these guidelines remains within the discretion of the consumer protection enforcement agency that is asked to cooperate.

83. The consumer protection enforcement agencies of Member States should coordinate investigations and enforcement activities to avoid interference with the investigations and enforcement activities of consumer protection enforcement agencies taking place in other jurisdictions.

84. The consumer protection enforcement agencies of Member States should make every effort to resolve disagreements that may arise regarding cooperation.

85. Member States and their consumer protection enforcement agencies should make use of existing international networks and enter into appropriate bilateral and multilateral arrangements and other initiatives to implement these guidelines.

86. Member States should enable their consumer protection policy agencies, in consultation with consumer protection enforcement agencies, to take a leading role in developing the framework for combating fraudulent and deceptive commercial practices, as set out in these guidelines.

87. Member States are invited to designate a consumer protection enforcement agency or a consumer protection policy agency to act as a contact point to facilitate cooperation under these guidelines. Those designations are intended to complement and not replace other means of cooperation. Such designations should be notified to the Secretary-General.

88. Member States should provide their consumer protection enforcement agencies with the authority to investigate, pursue, obtain and, where appropriate, share relevant information and evidence, particularly on matters relating to cross-border fraudulent and deceptive commercial practices affecting consumers. That authority should extend to cooperation with foreign consumer protection enforcement agencies and other appropriate foreign counterparts.

89. Member States should consider participating in multilateral and bilateral arrangements to improve international judicial and inter-agency cooperation in the recovery of foreign assets and the enforcement of decisions in cross-border cases.

90. Member States may wish to consider relevant international guidelines and standards on protecting consumers from fraudulent and deceptive cross-border commercial practices, in considering the legal authority to provide to their consumer protection enforcement agencies, and, where appropriate, adapt those guidelines and standards to their circumstances. In so doing, Member States may wish to study the Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders of the Organization for Economic Cooperation and Development.

91. To promote sustainable consumption, Member States, international bodies and business should work together to develop, transfer and disseminate environmentally sound technologies, including through appropriate financial support from developed countries, and to devise new and innovative mechanisms for financing their transfer among all countries, in particular to and among developing countries and countries with economies in transition.

92. Member States and international organizations, as appropriate, should promote and facilitate capacity-building in the area of sustainable consumption, particularly in developing countries and countries with economies in transition. In particular, Member States should also facilitate cooperation among consumer groups and other relevant organizations of civil society, with the aim of strengthening capacity in this area.

93. Member States and international bodies, as appropriate, should promote programmes relating to consumer education and information.

94. Member States should work to ensure that policies and measures for consumer protection are implemented with due regard to their not becoming barriers to international trade and that they are consistent with international trade obligations.

VII. International institutional machinery

A. Institutional arrangements

95. An intergovernmental group of experts on consumer protection law and policy, operating within the framework of an existing commission of the Trade and Development Board of the United Nations Conference on Trade and Development, will provide the institutional machinery.

96. Member States should take appropriate steps at the national or regional levels to implement these guidelines.

B. Functions of the intergovernmental group of experts on consumer protection law and policy

97. The intergovernmental group of experts on consumer protection law and policy shall have the following functions:

(a) To provide an annual forum and modalities for multilateral consultations, discussion and exchange of views between Member States on matters related to the guidelines, in particular their implementation and the experience arising therefrom;

(b) To undertake studies and research periodically on consumer protection issues related to the guidelines based on a consensus and the interests of Member States and disseminate them with a view to increasing the exchange of experience and giving greater effectiveness to the guidelines;

(c) To conduct voluntary peer reviews of national consumer protection policies of Member States, as implemented by consumer protection authorities;

(d) To collect and disseminate information on matters relating to the overall attainment of the goals of the guidelines and to the appropriate steps Member States have taken at the national or regional levels to promote effective implementation of their objectives and principles;

(e) To provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies;

(f) To consider relevant studies, documentation and reports from relevant organizations of the United Nations system and other international organizations and networks, to exchange information on work programmes and topics for consultations, and to identify work-sharing projects and cooperation in the provision of technical assistance;

(g) To make appropriate reports and recommendations on the consumer protection policies of Member States, including the application and implementation of these guidelines;

(h) To operate between and report to the United Nations Conferences to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

(i) To conduct a periodic review of the guidelines, when mandated by the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

(j) To establish such procedures and methods of work as may be necessary to carry out its mandate.

98. In the performance of its functions, neither the intergovernmental group nor its subsidiary organs shall pass judgement on the activities or conduct of individual Member States or of individual enterprises in connection with a specific business transaction. The intergovernmental group or its subsidiary organs should avoid becoming involved when enterprises to a specific business transaction are in dispute.

99. The Intergovernmental Group shall establish such procedures as may be necessary to deal with issues related to confidentiality.